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duction of the writing is not enough, unless its language itself shows what is required. By the law merchant, the plaintiff, in a suit on a negotiable instrument, makes out a *prima facie* case of consideration by producing the instrument. But as regards the very nature of consideration there is no difference between the law merchant and the common law; the common law doctrine has been fully fixed upon the law merchant in this respect."

Another valuable chapter is that on "Conflict of Laws." It is to be regretted that the substance of this chapter was not made a part of the Negotiable Instruments Law by the American sponsors for that statute.

For the English Bills of Exchange Act, reprinted in the first edition, the author has substituted in this edition the Negotiable Instruments Law of New York. Unfortunately, however, the section numbering of the statute has not been followed. As a result, the section numbers, given in the notes and in the author's copy of the statute, rarely correspond with those of the original act, and are very confusing to one who is familiar with the section numbers enacted by the Legislature. No such confusion, in fact no confusion of any kind exists in the text. The arrangement of topics is admirable; the thought is clear; the statement of doctrine is accurate; the exposition is learned.

THE ELEMENTS OF JURISPRUDENCE. By Thomas Erskine Holland, D. C. L. Ninth Edition. New York: Oxford University Press. 1900. pp. xxiii, 430.

Holland's Jurisprudence has come of age, and it is too late to dispute its right to the inheritance it has won. Indeed, he would be a bold man who would to-day challenge the supremacy of this formal little treatise. When a work of so pronounced scientific a character, dealing with the most abstract conceptions of the law and making no appeal to the profession in its practical side, goes through nine editions in twenty-one years, it is evident that it satisfies the wants of its time, in philosophy and method, to a remarkable degree. Whether it satisfies with equal completeness the requirements of a great and expanding science, everywhere in touch with the practical concerns of life, whether its precise and easy classification is based on fundamental human relations or on the evanescent conditions of changing social states—these are questions which it would be impertinent to raise on the appearance of the ninth edition of this valued work. Signs are not wanting that it will be subjected to some such searching inquiry in the near future, and that, out of the historical spirit and the synthetic philosophy of our time, will come a new jurisprudence, less symmetrical and dogmatic than that which Hobbes and his followers have so long imposed upon the schools, but of broader range and deeper insight. But in this, his latest, edition, Professor Holland retains his easy mastery of the situation and challenges new admiration for the sustained firmness of his presentation and the range and freshness of his information. The latter may well be described as exhaustive. No legislation, domestic or foreign, no novel application of law, however eccentric,

no contribution to legal theory escapes his vigilant and world-wide survey of his field. He levies contribution impartially on the latest speculations of Mr. Justice Holmes, and on the newest German Civil Code. He is familiar with Professor Keener's daring application of the civil law speculation concerning "unjust enrichment." The recent abandonment in Mississippi (*Clayton v. Clark*, 74 Miss., 499, 1896), of the doctrine of *Pinnel's Case* (5 Co. Rep., 117), and the reversal by the United States Supreme Court of its position in the Income Tax cases, are equally within his ken. He has even discovered the latest and most amusing abuse of the term jurisprudence, in the existence of a chair of "Dental Jurisprudence" in the Dental School of Chicago.

Naturally, the notes have borne the brunt of amendment, but the text has been gone over with equal care and thoroughness. Perhaps the most extensive change appears in the section devoted to marital rights (pp. 164-168), which has been considerably extended and improved, and in the discussion (p. 176) of the recent far-reaching decision of the House of Lords in the case of *Allen v. Flood* ('98, A. C. 1). In the former of these, the consideration of informal marriages, illustrated by the "Scotch Marriage," based on mutual consent and established by cohabitation "with habit and repute," might well have included a reference to the so-called "Common Law Marriage," which has played such an important rôle of late in the domestic relations of our own State, and which seems now to be doomed to extinction at the hands of an unsympathetic legislature.

As may be gathered from the foregoing review, the new edition of Holland is not a new jurisprudence, but the old authoritative doctrine, newly illustrated and confirmed. It contains no new thought, but that will be matter of disappointment only to him who looks for a latter-day miracle. The old bottle is too rigid and unyielding for the wine of a new philosophy.

A TREATISE ON COVENANTS WHICH RUN WITH LAND, OTHER THAN COVENANTS FOR TITLE. By Henry Upser Sims. Chicago: Callaghan & Co. 1900. pp. xxxi, 288.

It is, as 'twere, with a defeated joy that the reader lays down this essay. So much was to be hoped from the conditions under which it was conceived! So futile and disappointing is the engendered product! It may be doubted if there is a subject in the whole range of the common law, which has been more confused by loose thinking, or one in which clearness of vision and complete freedom from prepossession are more needed to bring order out of chaos. In that twilight region, where the shifting boundaries of contract and property law meet and interlace, he who would walk safely must walk circumspectly, with open mind and abundant wisdom. The tyro may well hesitate to tread where Mr. Justice Holmes has stumbled and the great Sugden has fallen. Unhappily the little volume before us discloses neither the learning nor the disinterestedness requisite for the task essayed, and the result is confusion worse